

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

WSOU INVESTMENTS, LLC d/b/a BRAZOS
LICENSING AND DEVELOPMENT,

Plaintiff,

v.

DELL TECHNOLOGIES INC., DELL INC.,
AND EMC CORPORATION,

Defendants.

Case No. 6:20-cv-00479-ADA

**DECLARATION OF BRIAN A. ROSENTHAL IN SUPPORT OF
DEFENDANTS' MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM**

I, Brian A. Rosenthal, declare as follows:

1. I am an attorney permitted to practice law before this Court *pro hac vice* and am licensed to practice law in New York and the District of Columbia. I am a partner with the law firm of Gibson, Dunn & Crutcher LLP and counsel of record for Defendants Dell Technologies Inc., Dell Inc. and EMC Corporation in the above-captioned action. I have personal knowledge and/or am directly informed of the matters stated below and, if called, would testify to them under oath.

2. Attached here as **Exhibit A** is a true and correct excerpt from the file history of U.S. Patent No. 8,402,129. This was retrieved from the United States Patent Office's website (<https://portal.uspto.gov/pair/PublicPair>) on October 3, 2020.

3. Attached here as **Exhibit B** is a true and correct copy of the Dell EMC OpenManage Essentials Version 2.5 User's Guide.

4. Attached here as **Exhibit C** is a true and correct copy of the website titled Changes to the sales and support process for Dell EMC OpenManage Network Manager, available at <https://www.dell.com/support/article/en-us/how16844/changes-to-the-sales-and-support-processes-for-dell-emc-openmanage-network-manager?lang=en>, which was last visited October 2, 2020.

5. Attached here as **Exhibit D** is a true and correct copy of the Dell EMC OpenManage NM v.8 User Guide.

6. I declare under penalty of perjury that the foregoing is true and correct.

Dated: October 5, 2020

/s/ Brian A. Rosenthal
Brian A. Rosenthal